

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 18 DECEMBER 2008 COMMENCING
AT 1.03PM**

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PRESENT: Cr Peter Shinton (Chairman), Cr Campbell, Cr Coe, Cr Dissanayake, Cr Lewis, Cr Powell, Cr Schmidt, Cr Sullivan, Cr Todd, General Manager, Director Technical Services, Director Environmental Services, Director Community Services and Director Corporate Services.

In attendance: S Morris and T Draper (minutes).

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF WARRUMBUNGLE SHIRE COUNCIL HELD ON 13 NOVEMBER 2008

161 RESOLVED that the minutes of the ordinary meeting of the Warrumbungle Shire Council held on 13 November 2008 be endorsed.

Sullivan/Coe

ADOPTION OF THE RECOMMENDATIONS OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD ON 5 DECEMBER 2008

162 RESOLVED that the minutes of the Traffic Advisory Committee held on 5 December 2008 be adopted.

Lewis/Todd

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLE SHIRE COUNCIL OCCUPATIONAL HEALTH & SAFETY COMMITTEE MEETING HELD ON 8 MAY 2008

163 RESOLVED that the minutes of the Occupational Health & Safety Committee held on 8 May 2008 be adopted.

Sullivan/Schmidt

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLE SHIRE COUNCIL OCCUPATIONAL HEALTH & SAFETY COMMITTEE MEETING HELD ON 7 AUGUST 2008

164 RESOLVED that the minutes of the Occupational Health & Safety Committee held on 7 August 2008 be adopted.

Campbell/Sullivan

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLE SHIRE COUNCIL OCCUPATIONAL HEALTH & SAFETY COMMITTEE MEETING HELD ON 6 NOVEMBER 2008

165 RESOLVED that the minutes of the Occupational Health & Safety Committee held on 6 November 2008 be adopted.

Campbell/Sullivan

MINUTES OF THE CONSULTATIVE ADVISORY COMMITTEE SPECIAL MEETING HELD ON 11 SEPTEMBER 2008

Noted

MINUTES OF THE CONSULTATIVE ADVISORY COMMITTEE MEETING HELD ON 6 NOVEMBER 2008

Noted

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1.08pm

GENERAL MANAGER'S REPORT

The General Manager thanked the Director Environmental Services and the Director Technical Services for performing the role of Acting General Manager in the General Manager's absence.

1.1 AUSTRALIA DAY AWARDS

166 RESOLVED that the following awards be made for presentation on Australia Day 2009:

- that John Eastburn of Baradine receive Council's Citizen of the Year Award
- that Dannielle Macbeth of Coolah receive Council's Young Citizen of the Year Award
- that John Yeo of Mendooran, Lachlan Campbell of Coolah and Maxwell Fairall of Coonabarabran receive Council's Senior Citizen of the Year Awards
- that Philip Ayoub of Baradine receive Council's Sportsperson of the Year Award
- that Kyle Turner of Coonabarabran receive Council's Young Sportsperson of the Year Award
- that Doris Murrall be the recipient of the Certificate of Recognition for the town of Coolah; Martin Parisio be the recipient of the Certificate of Recognition for the town of Dunedoo; that Ross Southwell be the recipient of the Certificate of Recognition for the town of Mendooran; that Patricia Taylor be the recipient of the Certificate of Recognition for the town of Baradine; that John Fraser be the recipient of the Certificate of Recognition for the town of Binnaway and Annie McKinnon be the recipient of the Certificate of Recognition for the town of Coonabarabran
- that the Group Community Service award be presented this year to Binnaway Progress Association
- that the Coonabarabran Ladies Bowling Pennants Team of Coonabarabran be the recipient of the Council's Sports Team of the Year Award
- and that Bugaldie Village receive the Community Award – Villages.

Dissanayake/Campbell

The General Manager advised that the Australia Day Ambassadors for the Shire were Gerry Tatriai, transcontinental bicycle record holder, and Jeffrey Sayle, former Grand Prix Motorcycle Rider

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1.36 PM

167 RESOLVED that standing orders be suspended.

Lewis/Campbell

At this time Mr John Irving made a presentation to Council regarding Fluoridation of Council's water supplies.

2.10PM

168 RESOLVED that standing orders be resumed.

Lewis/Campbell

2.10 pm

1.2 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

169 RESOLVED that the Councillor annual fee be increased to a maximum of \$9,060 and the additional Mayoral fee be increased to a maximum of \$19,790 to be effective from 1 July 2008 **AND FURTHER** that Council recommend to the 'C' Division conference that the Mayoral Allowance is inadequate.

Lewis/Campbell

1.3 COUNCIL COMMITTEES

170 RESOLVED

That Council accept and thank the following nominees;

Warrumbungle Aerodromes Advisory Committee

- Mr Roy Matthews
- Mr Garry Connelly
- Mr Colin Tink
- Mr Kevin Barrington

Warrumbungle Shire Tourism and Economic Development Advisory Committee

- Mrs Liz Cutts (representing Baradine Progress Association)
- Mrs Gaye Farrell (alternate for Baradine Progress Association)
- Mrs Carol Richard (representing Coolah District Development Group)
- Mr Roy Cameron (alternate for Coolah District Development Group)
- Mrs Maria Rikert (representing Warrumbungle Tourism Inc)
- Mr Wolfgang Brederick (alternate for Warrumbungle Tourism Inc)

FURTHER, the unfilled community positions on the following committees are readvertised;

- Coonabarabran Town Beautification Advisory Committee
- Medical Services Advisory Committee
- Shire Halls Advisory Committee
- Warrumbungle Shire Tourism and Economic Development Advisory Committee

Sullivan/Dissanayake

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1.4 C DIVISION CONFERENCE

171 RESOLVED that the following motions be forwarded to the C Division meeting of Councils:

- (a) *That the Shires Association make representation to the State Government to have legislative change made to its policy to allow removal of sand from waterways.*
- (b) *That the Shires Association make representation to the State Government to have legislative change made to its policy to allow Council graders and wheeled loaders to be made exempt from the mandatory registration condition that stipulates the vehicle must not travel more than five (5) kilometres between each site.*
- (c) *That the Shires Association make representations to the State Government to have legislative change made to enable Local Government elections to be conducted locally by Council.*
- (d) *That the Shires Association strongly object to the State Government at the criticism levelled at local government regarding the Councils' investments policies which in all cases met the minimum requirements of the state government's guidelines.*
- (e) *That the Shires Association make representations to the State Government to put in place legislation which will guarantee a reasonable return to Councils that have committed to recycling waste within its area.*
- (f) *That the Shires Association make representations to the State Government regarding the imposition on school students of TAFE fees for the delivery of vocational training courses that are part of the school curriculum.*
- (g) *That the Shires Association make representations to the Local Government Remuneration Tribunal to review the relative level of fees paid for Mayoral allowances.*

FURTHER that Councillors Campbell, Coe, Lewis, Shinton, Sullivan and Todd attend the C Division conference in Lightning Ridge on Wednesday, 4 February 2009.

Lewis/Todd

1.5 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM

Discussion concerning allocation of funds within the communities for the grant funding.

Councillor Powell moved a motion that the distribution of funds within the communities be left in abeyance until the meeting to be held on 15th January 2009 at which time a decision be made on funding distribution.

The motion lapsed for want of a seconder.

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172 RESOLVED that Council schedule a meeting to be held on Thursday, 15 January 2009 to determine the list of Warrumbungle Shire Council Projects to be submitted to the Department of Infrastructure, Transport, Regional Development and Local Government by 30 January 2009. **FURTHER** that Council applies the following principles to assist with the initial Project assessment process:

1. The project must comply with the RLCIP guidelines.
2. 5% of each project value will be charged to cover Project Management costs.
3. Each Director will undertake Project Management responsibilities for project(s) located in their respective Divisions.

FURTHER that the February meeting be held on 19 February 2009.

Sullivan/Campbell

1.6 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – STRATEGIC PROJECTS

Because of the short time frame to formulate a submission and the projects put forward not meeting the criteria, it was decided not to submit a project this round.

173 RESOLVED that the Library/Cultural Centre project be submitted for Round 2 – Strategic Projects funding.

Sullivan/Todd

1.7 CRANE BUILDING SITE – BUILDING DEVELOPMENT

174 RESOLVED that a Steering Committee be established by Council with membership of four Councillors (Councillor Shinton, Councillor Lewis, Councillor Schmidt and Councillor Sullivan), General Manager and four Directors and this committee report to council on a monthly basis.

Sullivan/Lewis

1.8 WITHOUT NOTICE – DIRECTOR CORPORATE SERVICES REQUEST FOR LEAVE OF ABSENCE

175 RESOLVED that Warrumbungle Shire Council pay two weeks of the Director of Corporate Services wages, and that annual leave be taken for the balance of leave required to participate in a month long exchange program in California, USA on behalf of the NSW Local Government Managers' Association.

Sullivan/Dissanayake

The General Manager expressed his Christmas Wishes to all present.

3.37PM

DIRECTOR OF CORPORATE SERVICES

2.1 DUE BY THE BANK TO THE FOLLOWING FUNDS AS AT 30 NOVEMBER 2008

Received.

2.2 RECONCILIATION OF GENERAL FUND BANK ACCOUNT 30 NOVEMBER 2008

Received.

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2.3 STATEMENT OF INVESTMENTS AS AT 30 NOVEMBER 2008

Received.

2.4 RATES AND CHARGES COLLECTION REPORT UP TO and INCLUDING END NOVEMBER 2008

Received.

2.5 REPORT ON SOUTHERN WATER

176 RESOLVED that a report on water consumption fees be prepared and presented for discussion during preparation of the 2009/2010 budget.

Lewis/Powell

2.6 INVESTMENT BRIEFING

177 RESOLVED that a new Investment Policy be drafted and referred to Council's Finance Committee for review.

Sullivan/Dissanayake

2.7 PETTY THEFT REQUIRING WRITE OFF

178 RESOLVED that Council approve the write off of two jerry cans valued at \$89.15 and 40 litres of unleaded fuel valued at \$56.40 – Total \$145.55.

Coe/Todd

4.04PM

DIRECTOR OF TECHNICAL SERVICES

Item 3.3 was brought forward for consideration by agreement

3.3 LEGAL AND PRACTICAL ACCESS TO 'GLEN ALVIN' NEAR ELONG ELONG

179 RESOLVED that Council enter into an agreement with ARTC subject to property owners agreeing to the right of way as a legal carriageway.

Powell/Coe

4.25PM

The Mayor left the meeting and the Deputy Mayor took over the Chair.

3.1 COOLAH CYCLEWAY PLANS

180 RESOLVED:

1. That in principle support be given to the Coolah District Development Group for construction of an off road cycleway facility from the intersection of Binnia Street and Cunningham Street to Queensborough Street, via the bridge and riverbank.
2. That survey investigation and design of the proposed off road facility between the intersection of Binnia Street and Cunningham Street and Queensborough Street be undertaken by Council.
3. That the action of the Director Technical Services in submitting an application to the RTA for funding of the project in 2009/10 be endorsed.
4. That an application be made to the RTA for funding of a Bike Plan in 2009/2010.
5. That the proposed funding of the cycleway project by Council be considered during preparation of the 2009/200 budget.

Lewis/Powell

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3.2 FLOOD STUDY FOR TERIDGERIE CREEK BARADINE

181 RESOLVED that Council accepts the grant offer for the Baradine flood study from the Minister under the State Floodplain Management Program and Council's Common Seal be attached to the agreement.

1. That a floodplain management advisory committee be established by Council with membership as follows: Two (2) Councillors, Director Technical Services, Director Environmental Services and three members of the Baradine community.
2. Council follows recommended processes and procedures in the NSW Government's 2005 Floodplain Risk Management Manual in order to find management solutions for the flooding issue at Baradine and will eventually incorporate solutions in the Local Environmental Plan.
3. Subject to funds for the study being available in Restricted Assets

FURTHER, that Councillors Campbell and Todd are the Councillor representatives, and that advertisements be placed calling for community representatives on the advisory committee.

Campbell/Todd

3.4 PROPOSAL TO ERECT STEEL STRUCTURE IN THE SHAPE OF A BEE IN ROAD RESERVE

182 RESOLVED that the proposal to erect a steel structure in the shape of a bee on the road reserve near Crane Street be refused on the basis that it is not in a suitable location nor is it a suitable symbol or landmark for Coonabarabran.

Sullivan/Todd

3.5 INSTALLATION OF SCULPTURES MADE FROM WASTE AT COOLAH WASTE DEPOT

183 RESOLVED that the request by the Coolah District Development Group to install sculptures made from recycled materials in the Coolah waste depot be approved subject to the following conditions:

1. The materials for the sculptures are not scavenged from any of Council's waste depots
2. The erection of the structures within the Coolah waste depot is supervised by Council staff.

Powell/Dissanayake

3.6 CONDITIONAL REGISTRATION OF PLANT

184 RESOLVED that Council refer the following motion to the next meeting of 'C' Division:

That Council graders and bucket loaders be exempt from the conditional registration mandatory condition that stipulates the vehicle must not travel more than five kilometres between each site.

Todd/Schmidt

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4.45PM

DIRECTOR OF ENVIRONMENTAL SERVICES

4.1 PUBLIC LAND REGISTER AND CLASSIFICATION OF PUBLIC LAND

185 RESOLVED that Council add the following parcel of land to its list of “Community Land” required to be reclassified as “Operational Land” in a future amending Local Environmental Plan:

- Mendooran Water Supply Treatment Plant identified as Lot 1 DP1076077

Schmidt/Campbell

4.2 EROSION CONTROL PROJECT AT THE COONABARABRAN OLD CEMETERY

A motion was moved by Councillor Schmidt that Council make an application for funding in the Regional and Local Community Infrastructure program to be decided at the meeting on 15 January 2009 to assist in completion of the erosion control works at the Old Coonabarabran Cemetery. The motion lapsed for want of a seconder.

The report was received.

4.3 CONSTRUCTION OF A NEW ROW AT NATIVE GROVE CEMETERY

186 RESOLVED that Council defer the Cowper Street drainage project, at a cost of \$60,000 and transfer the funds for the completion of the new row at Native Grove Cemetery, the required budgetary adjustment be made accordingly and the work commence at the first available opportunity.

Sullivan/Todd

4.4 FORFEIT OF ENCLOSURE PERMIT

187 RESOLVED that the Enclosure Permit for this parcel of land be forfeited to the Crown as being no longer required by Council and Council’s General Manager be authorised to complete the requisite Statutory Declaration to this effect.

Lewis/Powell

4.5 DEVELOPMENT APPLICATION SUBMITTED FOR COUNCIL’S DETERMINATION – DA 135/0708 – PROPOSED RECREATIONAL PARK - BUGALDIE

188 A motion was moved by Councillor Lewis, seconded by Councillor Sullivan that Council grants a conditional approval to the development application subject to the conditions as outlined in Schedule 1.

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SCHEDULE 1

SECTION A

Rural Fire Service General Terms of Approval

Asset Protection Zone

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

A1 At the commencement of building works the property around all proposed short stay accommodation shall be managed as follows:

- West for a distance of 85 meters as an asset protection zone
- All other directions for a distance of 60 metres as an asset protection zone

As outlined within section 4.1.3 and appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document '*Standards for Asset Protection Zones*'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- A2** Water, electricity and gas are to comply with section 4.2.7 of Planning for Bush Fire Protection 2006.
- A3** In recognition that no reticulated water supply exists, a 20 000 litre dedicated water supply shall be provided.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

- A4** Internal Roads shall comply with section 4.2.7 of Planning for Bush Fire Protection 2006

Design and Construction

- A5** Construction is to comply with Appendix 3 – Site Bush Fire Attack Assessment of *Planning for Bush Fire Protection 2006*. In this regard the following design standards for construction are to be incorporated into the development:

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- a) All proposed construction surrounded by no more than 100 metres of maintained land, while adhering to the asset protection zone requirements of condition 1 of this letter, shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 1.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

- A6** An emergency/evacuation plan is to be prepared consistent with the NSW RFS Guidelines for the Preparation of Emergency/Evacuation Plan for implementation by the occupants in the event of a required evacuation.

SECTION B

Conditions of Consent

B1 General

Development taking place generally in accordance with the outlined proposal indicated in the development application, except as modified by these conditions, Council's Development Control Plans, Engineering requirements and the requirements of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the development complies with this approval and the proposal which was considered.

B2 BCA Compliance

The buildings complying with the requirements of the Local Government Act 1993, the Building Code of Australia (BCA) and all relevant Australian Standards.

Reason: To ensure that the completed buildings comply with nationally adopted construction standards.

B3 Disabled Access

Disabled access and facilities are to be provided in accordance with the Building Code of Australia, AS1428.1 and the Disability Discrimination Act 1992

Reason: To ensure the building design facilitates suitable and legally compliant entry, movement and sanitary facilities for people with disabilities.

Note: Front entry doorways may require special attention with respect to footpath levels.

B4 Requirements of other Public Authorities

All relevant requirements of statutory authorities such as WorkCover, EPA, RTA and the like are to be complied with.

Reason: To ensure the health and safety of all users, workers and the built and natural environment.

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B5 Construction Certificate

This approval does not give the applicant the right to start building work until such time as a valid Construction Certificate has been issued by Council or an Accredited Private Certifier.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act 1979.

B6 Occupation Certificate

The buildings (or parts of the buildings) or motorcycle track facilities shall not be occupied or used until the Council (or Principal Certifying Authority) has issued either an Occupation or Interim Occupation Certificate.

Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants and to comply with the relevant provisions under the Environmental Planning and Assessment Regulation 2000.

To meet set standards for work practices and commercial uses such as paid accommodation.

Note: The owner must provide Council with an Annual Fire Safety Statement on the anniversary date of the Fire Safety Certificate.

B7 Demolition Works

Any demolition works are to be carried out in accordance with AS2601 – 1991 The Demolition of Structures, and comply with any Council policy on waste management.

Reason: To comply with the Protection of the Environment Operations Act 1991.

Note: All waste products resulting from the demolition of the existing building are to be disposed of in the appropriate manner at the Coonabarabran Waste Management Centre. Receipts are to be provided to Council prior to the formal request for an Occupation Certificate.

B8 Site Disturbance

All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards and all excavations are to be properly guarded and protected to prevent them from being dangerous to property or life.

Reason: To ensure the safety of workers on site, the public and the protection of adjacent structures.

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B9 Soil Erosion Control

All site works involving cut and fill to strictly adhere to Landcom's guidelines as identified in 'Managing Urban Stormwater – Soils and Construction, 2004.

Reason: To minimise soil erosion

Note: Department of Water & Energy has advised that this is the most appropriate standard for this type of commercial construction.

B10 Noise Management – Operational

i) Operating hours are to be restricted to daylight hours only.

Reason: To ensure compliance with relevant legislation and that the public amenity of the area is not unduly affected by noise at unreasonable hours.

B11 External Lighting

All external lighting is to comply with Warrumbungle Shire Council's adopted external lighting planning control as applicable at the time of installation.

Reason: To minimise upward light spill
To comply with the requirements of the Orana Regional Environmental Plan

Note: Currently all external lights are required to be full cut-off ie, shielded to prevent light being directed above the horizontal and high pressure sodium lamps.

B12 Advertising Signs

Advertising signs are to be confined to the property on which the development occurs and comply with the provisions of SEPP 60 Exempt and Complying Development and SEPP64 Advertising Structures.

Reason: To comply with the requirements of the relevant SEPP's

A13 Waste Materials

All waste materials are to be stored on site in a secure enclosure capable of resisting wind disturbance and disposed of in the most appropriate and lawful manner.

Reason: To ensure the protection of the environment

Note: Council operates a waste management facility in Coonabarabran that opens seven (7) days per week.

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B14 Waste from Wash-down Bays

- i) The facility is to be provided with an appropriately sized, covered and drained washdown bay with settling pond for use by each and every vehicle leaving and entering the site
- ii) The wash-down bay is to be equipped with a grease arrestor and where necessary an absorption trench.
- iii) Waste collected from the grease trap and wash-down bay is to be removed regularly by licensed contractors.

Reason: To prevent pollutants contaminating the environment and to prevent the spread of weeds.

Note: To protect the environment and ensure the effective operation of the Onsite-Sewage Management System, waste from the wash-down bay cannot be connected to the septic system.

B15 Stormwater Drainage

The completed buildings are to have a drainage system so that:

- a) ensures the land surrounding the building is graded to divert surface water away from the foundations of the building
- b) if the water is collected it is drained and the overflow disposed of in a manner consistent with Council's Code of Practice, Erosion and Sedimentation Control.

Reason: To protect the structural integrity of all buildings and minimise soil erosion.

B16 Sewage Management

The proposed 'short stay' units are to be provided with an approved On-Site Sewage Management System and a drainage diagram is to be provided to Council at the time of carrying out the plumbing inspection. All plumbing work is only to be carried out by a suitable licensed tradesman.

Reason: To ensure an adequately sized system for the capacity of the premises.

Note: a) The single household use septic system specified in the Development Application is insufficient for the capacity of the development. A commercial grade septic system in compliance with NSW Public Health guidelines and regulations is required.

- b) A separate application to operate and install an On-site Sewage Management System will need to be applied for prior to the issue of a Construction Certificate.

(Section 68 of the Local Government Act 1919 approval must be obtained from Council prior to the commencement of this work).

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B17 Contaminated Land

Prior to the release of the Construction Certificate the applicant shall provide Council with a statement confirming that an assessment of the site has been made with regard to Contaminated land as prescribed in SEPP No. 55

Reason: To appropriately identify and remediate any contaminated land.

Note: In the event contaminated sites are identified on the subject property the applicant must comply with all of the requirements of SEPP No. 55.

B18 Capacity Restrictions

a) Short stay bunkhouse accommodation.

At the time of lodging the application for the Construction Certificate covering the buildings associated with this purpose, the applicant shall demonstrate that the following minimum standards have been achieved:

- i) Allocated floor space: Seven (7) m² per person
- ii) Toilets and hand basins:
Female: one (1) set per twenty (20) (or part of this number) female guests
Male: one (1) set per twenty (20) (or part of this number) male guests
Note: Unisex/Disabled facilities can be utilised to achieve these standards (refer to Condition B3).
- iii) Showers: One per twenty (20) or part of this number of guests
- iv) Kitchen and laundry facilities, rubbish receptacles and designated car parking spaces shall be adequate to serve the design capacities achieved in i), ii) and iii) above.

b) Primitive camping area.

At the time of applying for the S68 Local Government Act, 1919, approval for this purpose the applicant shall demonstrate that the following minimum standards have been achieved:

- i) Toilets and hand basins:
Female: one (1) set per twenty (20) (or part of this number) female guests
Male: one (1) set per twenty (20) (or part of this number) male guests
Note: Unisex/Disabled facilities can be utilised to achieve these standards (refer to Condition B3).
- ii) Showers: One per twenty (20) or part of this number of guests
- iii) Kitchen and laundry facilities, rubbish receptacles and designated car parking spaces shall be adequate to serve the design capacities achieved in i) and ii) above.

c) Spectators and participants – day visits.

Prior to the issue of a Construction Certificate the applicant shall nominate a maximum design capacity for the regular use of the park and demonstrate to Council's satisfaction the adequacy of the toilet, waste receptacle and parking facilities to be provided.

Note: The applicant is advised that this determined maximum capacity is enforceable by way of on-the-spot penalty notice infringement (i.e. fines) for failing to comply with a condition of consent.

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- d) Spectators and participants – Larger events attracting more than the agreed maximum design capacity for regular use.

Prior to the issue of a Construction Certificate the applicant shall submit for Council's approval a Competition Management Plan to be implemented and adhered to on the occasions of these events. The content of this plan shall include, but is not limited to, temporary ablution facilities, car parking, waste collection and disposal, traffic management, security, first aid arrangements, food handling precautions and such other measures as are required to ensure the successful management of all park activities without detriment to the environment, neighbourhood or park users.

Reason: To ensure that congested tracks and facilities do not create environmental damage, evacuation of the premises is achievable, and facilities/amenities are adequate to cater for the patronage.

B19 Car Parking

Prior to the issue of a Construction Certificate, Council requires a parking plan to demonstrate; compliance with RTA dimensions and evidence of provision for all weather parking to cater for estimated maximum patronage.

B20 Traffic Flow

- i) Swept paths of vehicles must be able to be met for the development entry without fouling opposing traffic. The internal roadway should be adequately developed to provide for the above manoeuvres and for the largest vehicle anticipated to use the site.
- ii) The loading and unloading of goods from delivery vehicles must be carried out on site.
- iii) Any proposed landscaping, signage and fencing must not impede sight lines of traffic and/or pedestrians within the development, or when entering and leaving the development. Safe intersection sight distance is to be achieved.
- iv) All (road) works associated with this development are to be at no cost to the RTA.

Reason: To ensure the safe movement of traffic and minimise the impact of the park on local traffic.

B21 Emergency use of Patons Road

- i) Patons Road Access. This is a trail used for NPWS management purposes, and must not be used as access for the proposed development with the exception of emergency purposes such as firefighting.
- ii) Any use of this road must be accompanied by a Right of Access agreement with NSW NP&WS and just compensation arranged for any damage caused.

Reason: The NPWS can make no guarantees as to the suitability, or continued access to this road, and may need to close it from time to time for operational reasons.

Note: Council will require documented evidence that this has been achieved prior to the issue of a Construction Certificate.

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B22 Aboriginal Heritage Protection

Prior to the commencement of any site works:

- i) there must be an induction program for the earthmoving machine operators,
- ii) confirmation is required that no works are to be carried out on any box oaks on the land, (as there is a high possibility of scarred trees)
- iii) confirmation is required that works near creeklines will be limited as much as practical/possible, and
- iv) An undertaking is given that if any sites are uncovered during earthworks then DECC will be contacted and an inspection carried out by an Aboriginal Site officer.

Reason: To preserve the natural environment and any potential sites of Aboriginal significance.

Note: Documentation will be required prior to the issue of a Construction Certificate

B23 Driveway Access

Prior to the release of the Occupation Certificate the applicant shall ensure that the nominated driveway access is improved to the satisfaction of Council's Director of Technical Services. Construction of this driveway shall be generally in accordance with RTA fig. 4.9.7 (enclosed)

Reason: To ensure the safety of the travelling public and protection of the constructed public road

Notes:

- i) Internal road needs to be lifted to match height of Kurrajong Road shoulder with minimal fall from Kurrajong Road.
- ii) Council's Technical Services department can be contacted on 6849 2000(Mr Greg Kable, Roads Manager) for clarification on works required.

B24 Fire Safety of Building

- a) Prior to the release of the Occupation Certificate the owner must cause the Council to be given a Fire Safety Certificate in relation to the following essential services required to be installed in the buildings:-

- Smoke detectors (bunkhouse)
- Exit signs (bunkhouse)
- Portable fire extinguishers (kitchen and bunkhouse)
- Fire blanket (kitchen)

- b) The owner must then provide Council with an Annual Fire Safety Statement on the anniversary date of the Fire Safety Certificate.

Reason: To comply with the relevant provisions under the Environmental Planning and Assessment Regulation 2000 which are designed to protect the occupants of these buildings.

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B25 Primitive Camping Ground Approval

Prior to the release of the occupation certificate the owner shall obtain from Council an approval under Section 68 of the Local Government Act 1993 to operate a primitive camping ground.

Reason: To ensure minimum standards of public safety are achieved for this purpose

Notes:-

- i) Standards for this purpose are found in the Local Government (Manufactured Homes Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005
- ii) Council's Environmental Services department can be contacted on 6849 2000 (Mrs S Thompson, Manager of Environmental Health Services) for further information on obtaining this approval.

B26 Flora and Fauna Protection

Prior to the commencement of any site works the applicant shall provide to Council for approval a documented site management plan covering both the establishment and operations phases of the project that demonstrates compliance with the following guidelines:-

- Plan the proposal to avoid existing established trees and shrubs which provide natural food sources and habitat;
- Design tracks and clearing in such a way to enable ecological connectivity and corridors to allow the safe transport of fauna to habitat;
- The use of a vegetation species list to re-vegetate the cleared areas with suitable species relevant to the natural vegetation communities present;
- Control noxious and invasive environmental weeds due to ground baring activities; and also make provisions for a wash down bay with a soil and seed settling pond to reduce the spread of weeds by all terrain vehicles;
- Avoid vehicular and humans off designated access tracks to avoid disturbance;
- Plan the proposal to follow procedures regarding the clearing of native vegetation so as not to detrimentally affect the natural vegetation communities present; and
- That sediment and erosion management measures be undertaken to prevent the movement of sediment from the proposed tracks
- Proponents can voluntarily use Biobanking to minimise and offset their impact on biodiversity

Reason: To minimise negative impacts of site disturbance and encourage vegetation communities that will eventually be sustainable and increase the ecological diversity of the area.

B27 Water Supplies

a) Bulk Water Needs

The proposed bulk (non-potable) water system shall incorporate the initiatives outlined in the Department of Water and Energy's publication titled "Management of Private Recycled Water Schemes".

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Reason: Given the absence of a ground water source all water conservation initiatives are needed to ensure that a sustainable supply is achieved.

Note: This document can be found at
<http://www.waterforlife.nsw.gov.au/recycling/guidelines>

b) Potable (human consumption) needs

The proposed reticulated human consumption water supply shall be installed and operated in accordance with the Private Water Supply Guidelines published by NSW Health.

Reason: To ensure that a safe water supply is available for human consumption purposes

Note: This document can be obtained from the NSW Health website:
<http://www.health.nsw.gov.au/public-health/ehb/water/drinkwater.html>

SECTION C

Advisory Notes

C1 Roads & Traffic Authority

A Road Occupancy licence is required prior to any works commencing within three metres of the travel lanes of MR129. This can be obtained by contacting Paul Moloney on 6861 1686. Submission of a traffic control plan is required as part of this licence.

C2 NSW Police Service

The applicant should address crime prevention and community safety in further detail, such as but not limited to: telephone communication points and mobile phone coverage; ambulance and emergency service access; alternate access points to site including fencing, gates and access control; personal security at the bunkhouse and camp areas including lighting and signage; fire evacuation, prevention and control; and security systems such as CCTV and alarm systems.

C3 Rural Fire Service

Any further development application for class 1,2 & 3 buildings as identified by the Building Code of Australia must be subject to separate application under section 79BA of the EP&A Act and address the requirements of *Planning for Bush Fire Protection* 2006.

C4 Rural Numbering

Prior to the release of the Occupation Certificate the applicant is to contact Council to determine the correct Rural Number for the newly created development. For further information please contact Mrs Carol Naismith of Council's Environmental Services department on 6849 2000.

Councillors Campbell, Coe, Dissanayake, Lewis, Powell, Schmidt, Sullivan and Todd voted in favour of the development.

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4.6 REQUEST TO REMOVE RESTRICTIVE COVENANT FOR PROPOSED MOTORCYCLE RECREATION PARK – LOT 112 KURRAJONG ROAD, BUGALDIE

189 A motion was moved by Councillor Lewis, seconded by Councillor Sullivan:

- i) That in the event that Council has granted approval to DA 135/0708 the existing restrictive covenant be varied at the landowners expense as follows:

“No development other than general agriculture, forestry and/or a recreation vehicle area as defined under the Recreation Vehicle Act 1983 is permitted on the lot burdened.”

- ii) That Council affix its Common Seal to the necessary legal documents involved in this process.

Councillors Campbell, Coe, Dissanayake, Lewis, Powell, Schmidt, Sullivan and Todd voted in favour of the variation of the restrictive covenant

4.7 WARRUMBUNGL SHIRE COUNCIL APPLICATIONS RECEIVED FOR THE MONTH OF NOVEMBER 2008

Received.

4.55PM

DIRECTOR OF COMMUNITY SERVICES

5.1 MACQUARIE REGIONAL LIBRARY 2009/2010 PER CAPITA ANNUAL CONTRIBUTIONS

190 RESOLVED that Council supports the proposed 3.2% increase for the purpose of estimating the 2009/2010 annual contribution to Macquarie Regional Library by Warrumbungle Shire Council; noting that any adjustment required to the actual contribution will be determined by the rate pegging increase as set by the NSW Government in 2009.

Sullivan/Campbell

5.2 MENDOORAN MECHANICS INSTITUTE CONSERVATION MANAGEMENT PLAN

191 RESOLVED that Council accepts the Mendooran Mechanics Institute Conservation Management Plan (August 2008).

Lewis/Dissanayake

5.3 POLICIES OF COUNCIL AUSPICED PROGRAMS – CONNECT 5 CHILDCARE, CASTLEREAGH FAMILY DAY CARE AND WARRUMBUNGL COMMUNITY CARE

192 RESOLVED that Council adopts the Policy Manuals for the following auspiced programs: Connect 5 Child Care, Castlereagh Family Day Care and Warrumbungle Community Care.

Campbell/Powell

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5.4 YOUTH HEALTH GALA DAY BARADINE

193 RESOLVED that Council supports the Youth Health Gala Day to be held on Saturday, 7 March 2009 by providing a donation of \$132, being the hire charge for the Baradine Oval and these funds come from Council's 'Donations – other' budget.

Campbell/Todd

5.5 COONABARABRAN PRESCHOOL AND LONG DAY CARE CENTRE

194 RESOLVED that Council endorses the actions of the General Manager implementing licencing and registration of the new Coonabarabran Preschool and Long Day Care Centre. **FURTHER** that the General Manager be authorised to accept, sign and attach Council's seal if required to the relevant DEEWR and DoCS Funding Agreements for the Coonabarabran Preschool and Long Day Care Centre on behalf of Council.

Lewis/Dissanayake

5.6 COONABARABRAN PRESCHOOL AND LONG DAY CARE CENTRE – ADVISORY COMMITTEE

195 RESOLVED that Council accepts Yuluwirri Kids Coonabarabran Preschool and Long Day Care Centre Advisory Committee Draft Delegation Statement as follows and implement process of calling for nominations from parents/carers using the service; formally invite a delegate from the Local Coonabarabran Aboriginal Lands Council and advertise for a community representative who will be endorsed by Council.

Yuluwirri Kids Coonabarabran Preschool and Long Day Care Centre Advisory Committee Delegations

The committee is delegated the following functions on behalf of Council::

- i. Monitor and review the services provided by Yuluwirri Kids Coonabarabran Preschool and Long Day Care*
- ii. Provide a forum for strategic planning of future services and meeting the needs of the community*
- iii. Provide input into the philosophy, programming and policies relating to the Centre's Management plan*

Council has also placed a restriction on any committee that is made up in part of whole by members of the public which requires the Committee to –

- i. hold an Annual General Meeting*
- ii. produce a budget*
- iii. present an annual financial report to Council's General Manager*
- iv. advertise on an annual basis calling for nominations of delegates and further that delegates be endorsed by Council*
- v. advertise extraordinary vacancies for delegates for expressions of interest and the selected delegate is to be endorsed by Council*

9 delegates in total to include:

Council's Director Community Services

Manager (name) Coonabarabran Preschool and Long Day Care Centre

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*6 Parent/Carer representatives (2 per class room - being representative of families/carers
with children from each age group enrolled at either Long Day Care or Preschool)
1 representative from the Coonabarabran Local Aboriginal Lands Council
1 representative from the Community*

Campbell/Sullivan

5.7 COONABARABRAN PRESCHOOL AND LONG DAY CARE CENTRE – NAME

196 RESOLVED that Council accepts the name of the new childcare centre as Yuluwirri Kids – Coonabarabran Preschool and Long Day Care Centre ‘Nurturing the Stars of our Future’.

Lewis/Powell

5.8 COONABARABRAN PRESCHOOL AND LONG DAY CARE CENTRE - STAFF

197 RESOLVED that Council endorses the General Manager’s approval of the new Coonabarabran Preschool and Long Day Care Centre staff structure and the implementation of advertising and filling these positions according to Council’s recruitment policy.

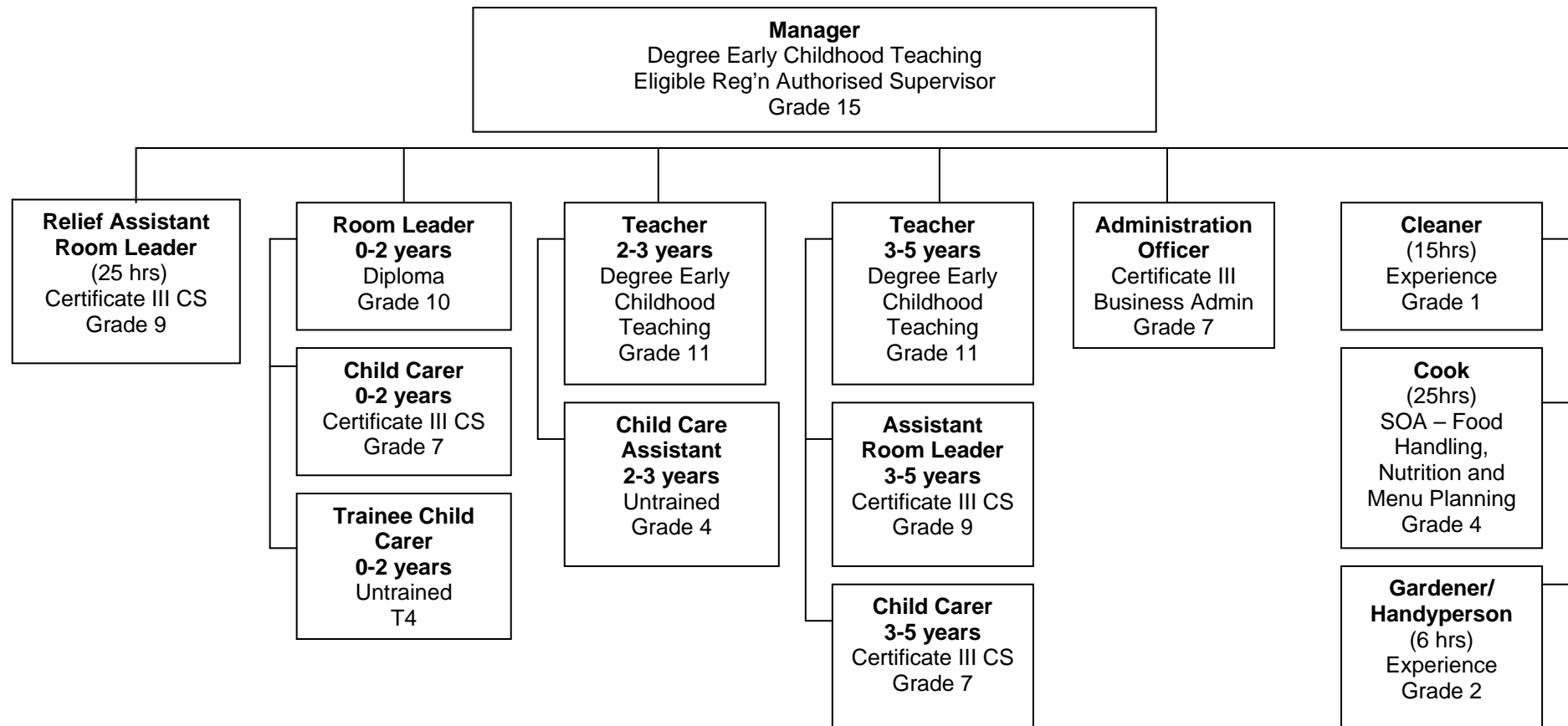
Dissanayake/Campbell

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Coonabarabran Preschool and Long Day Care Centre Staff Structure December 2008



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ADOPTION OF THE RECOMMENDATIONS OF THE PLANT ADVISORY COMMITTEE MEETING HELD ON 18 DECEMBER 2008

198 RESOLVED that the minutes of the Plant Advisory Committee held on 18 December 2008 be adopted.

Sullivan/Lewis

5.24PM

Confidential Item

199 RESOLVED

(a) that Council go into closed committee to consider business concerning Tenders **for Casual Hire of trucks and various items of plant.**

(b) that pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above

(c) that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

Todd/Sullivan

5.24 PM

Council closed its meeting to the public.

5.36PM

200 RESOLVED Council moved out of closed council and into open council.

Todd/Sullivan

The following resolutions of Council while the meeting was closed to the public, were reported to the meeting by the General Manager:

201 RESOLVED:

1. That tendered rates as submitted for casual plant hire for the period 1 February 2009 to 26 February 2010, for Schedules under the hourly rate schedule be accepted as follows:

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2. Council advises Contractors that tenders as submitted were not accepted **FURTHER** that the following rates for supply of trucks under the hourly rate and distance schedule will be accepted for the period 1 February 2009 to 26 February 2010 and the unsuccessful tenderers be advised:

Hourly Rate and Distance Truck Schedule - Tip Trucks

Rates Accepted by Council	GVM (tonnes)	Rates of Hire Tendered - 'A' & 'A1' Rate			Rates of Hire Tendered "B" Rate	
		"A Rate" \$/hr (incl GST)	"A1 Rate" \$/hr (incl GST)	Distance \$/km (incl GST)	"B Rate" \$/hr (incl GST)	Distance \$/km (incl GST)
Tip Truck	4t- 7t	\$18.75	\$23.00	\$0.000	\$30.95	\$0.745
Tip Truck	12t - 15t	\$49.50	\$49.50	\$0.000	\$49.50	\$0.000
Tip Truck	21t-27t	\$52.00	\$59.20	\$1.470	\$31.20	\$0.748
Tip Truck	40t-44t	\$130.00	\$137.00	\$2.000	\$115.00	\$1.100

Hourly Rate and Distance Truck Schedule - Water Truck

Rates Accepted by Council	Capacity (litres)	Rates of Hire Tendered - 'A' & 'A1' Rate			Rates of Hire Tendered "B" Rate	
		"A Rate" \$/hr (incl GST)	"A1 Rate" \$/hr (incl GST)	Distance \$/km (incl GST)	"B Rate" \$/hr (incl GST)	Distance \$/km (incl GST)
Water Truck	7000 - 8000	\$60.50	\$60.50	\$0.000	\$40.00	\$0.000
Water Truck	12000 - 15000	\$88.00	\$88.00	\$0.000	\$65.00	\$0.000

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3. Council advises Contractors that the following rates for supply of trucks under the float hourly rate and distance schedule will be accepted for the period 1 February 2009 to 26 February 2010.

Schedule 3.0 - Floats Hourly Rate and Distance Schedule

Contractor	Make	Model	GVM (tonnes)	Rate Tendered (incl GST)		
				"A" Rate \$/hr	"A1" Rate \$/hr	Distance \$/km
IRCB Pty Ltd	H/made	Plant Trailer	18.00	\$ 175.00	\$ 171.00	
MJ & ML McEvoy Pty Ltd	Volvo	FH12	23.50	\$ 165.00	\$ 220.00	\$ 3.08
McEvoy's Earthmoving & Haulage Pty Ltd	Mack	TR1D98A	42.50	\$ 143.00		\$ 4.95

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4. Council advises Contractors that tenders as submitted were not accepted **FURTHER** that the following rates for supply of trucks under the quantity and distance schedule will be accepted for the period 1 February 2009 to 26 February 2010 and the unsuccessful tenderers be advised:

Sullivan/Powell

Quantity and Distance Schedule			
Length of Haul (Km)	Proposed Rate \$/t (incl GST)	Length of Haul (Km)	Proposed Rate \$/t (incl GST)
0.50	1.71	15.5	6.84
1.0	1.85	16.0	7.02
1.5	2.00	16.5	7.21
2.0	2.16	17.0	7.39
2.5	2.31	17.5	7.58
3.0	2.48	18.0	7.76
3.5	2.63	18.5	7.95
4.0	2.80	19.0	8.13
4.5	2.96	19.5	8.32
5.0	3.14	20.0	8.50
5.5	3.30	20.5	8.69
6.0	3.46	21.0	8.88
6.5	3.64	21.5	9.07
7.0	3.81	22.0	9.25
7.5	3.98	22.5	9.45
8.0	4.15	23.0	9.63
8.5	4.33	23.5	9.82
9.0	4.50	24.0	10.01
9.5	4.68	24.5	10.20
10.0	4.85	25.0	10.39
10.5	5.04	25.5	10.58
11.0	5.21	26.0	10.77
11.5	5.39	26.5	10.96
12.0	5.57	27.0	11.15
12.5	5.75	27.5	11.35
13.0	5.93	28.0	11.53
13.5	6.11	28.5	11.73
14.0	6.29	29.0	11.92
14.5	6.48	29.5	12.11
15.0	6.65	30.0	12.30

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202 RESOLVED that the late tenders submitted by Mr Daniels and Mr Canham be accepted.
Lewis/Todd

There being no further business the meeting concluded at 5.37 pm.

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CHAIRMAN